S.B. Civil Writ Petition No. 7407/2007
Haji Gular
vs
Addl. District Judge & Sessions Judge, Nagaur & Ors.

Date of order : 6.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Mukul Singhvi,for the petitioner.
Mr.Sunil Mehta, for the respondent.

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Learned counsel for the respondent submitted that though the respondent-election petitioner applied for summoning of the record from the Election Officer i.e., District Collector, Nagaur by moving application under Order 13 Rule 10 CPC and that was allowed by the trial court by order dated 10th Oct., 2007, which is impugned order in this writ petition, the trial court already observed that in case, the certified copies of the relevant documents are made available to the election petitioner-respondent then the record need not be summoned.

Learned counsel for the election petitioner submits that now the election petitioner has received the certified copies of the relevant documents from the concerned authority and, therefore, there will be no need of summoning of the original record at this stage. The grievance of the petitioner is only that the original record of the Election Officer could not have been summoned. Since in view of the impugned

order itself now there will be no need of summoning of the original record, therefore, this writ petition has become infructuous in view of the submissions made by learned counsel for the respondent.

Hence, the writ petition of the petitioner is dismissed as having become infructuous.

(PRAKASH TATIA), J.

c.p.goyal/-